

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Kight et al. : Expected Art Unit: 2164
:
Rule 53(b) Continuation of : Expected Examiner:
: J. Bergin
Serial No. 09/250,711, filed :
February 16, 1999 :
:
Filed: Concurrently Herewith :

For: SYSTEM AND METHOD FOR ELECTRONICALLY PROVIDING
CUSTOMER SERVICES INCLUDING PAYMENT OF BILLS,
FINANCIAL ANALYSIS AND LOANS

PRELIMINARY AMENDMENT

Honorable
Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

The preliminary amendment is directed to the accompanying 37 CFR 1.53(b) application, which is a Continuation of pending Application Serial Number 09/250,711, filed February 16, 1999. Prior to examination, please amend the above-identified application as follows:

IN THE TITLE

Please amend the title to read "RISK BASED PAYMENT METHOD AND SYSTEM".

IN THE CLAIMS

Please cancel claim 1.

Please add claims 36-75 as follows:

36. A method for making payment, comprising:

receiving a request to pay a payee on behalf of a payor;

processing the received request to determine a risk associated with making the payment on behalf of the payor;

selecting a payment method based upon the determined risk; and

directing a payment to the payee in accordance with the selected payment method.

37. The method of claim 36, wherein processing the received request to determine the risk includes comparing a payment amount associated with the received request to at least one threshold amount.

38. The method of claim 37, wherein:

the request is received by a service provider;

the at least one threshold amount is one threshold amount associated with one of (i) the payor, (ii) the payee, or (iii) the service provider;

if the payment amount is less than the threshold amount, a first payment method is selected; and

if the payment amount is greater than the threshold amount, a second payment method, different than the first payment method, is selected.

39. The method of claim 38, wherein the threshold amount is associated with the payor, and further comprising:

determining the threshold amount based upon a credit report associated with the payor.

40. The method of claim 38, wherein:

the threshold amount is associated with the payee;

the payee is one of a plurality of payees, each of the plurality of payees being associated with a respective threshold amount; and

the respective threshold amount associated with one of the plurality of payees is different than the respective threshold amount associated with another of the plurality of payees.

41. The method of claim 37, wherein:

the at least one threshold amount is at least two threshold amounts;

if the payment amount is less than each of the at least two threshold amounts, a first payment method is selected; and

if the payment amount is greater than any one of the two threshold amounts, a second payment method, different than the first payment method, is selected.

42. The method of claim 37, wherein:

the request is received by a service provider;

the at least one threshold amount is three threshold amounts, a first of the threshold amounts being associated with the payor, a second of the threshold amounts being associated with the payee, and a third of the threshold amounts being associated with the service provider;

if the payment amount is less than each of the first threshold amount, the second threshold amount, and the third threshold amount, a first payment method is selected; and

if the payment amount is greater than one of the first threshold amount, the second threshold amount, and the third threshold amount, a second payment method, different than the first payment method, is selected.

43. The method of claim 36, wherein the request is received by a service provider.

44. The method of claim 36, wherein:

processing the received request to determine the risk includes determining if a sum of a payment amount associated with the received request and an aggregated amount of payments previously made on behalf of the payor within a predefined time period exceeds a threshold amount;

if the sum of the payment amount and the aggregated amount does not exceed the threshold amount, a first payment method is selected; and

if the sum of the payment amount and the aggregated amount exceeds the threshold amount, a second payment method, different than the first payment method, is selected.

45. The method of claim 44, wherein the payments made within the predefined time period are payments for which an account associated with the payor was debited via the ACH network.

46. The method of claim 44, further comprising:
determining the threshold amount based upon a credit report associated with the payor.

47. The method of claim 36, wherein the request is received by a service provider, and further comprising:

assigning a status to the payor by the service provider prior to receiving the request; and

storing the assigned status;

wherein processing the received request to determine the risk includes accessing the stored status associated with the payor.

48. The method of claim 36, wherein processing the received request to determine the risk includes accessing a dynamic credit file associated with the payor.

49. The method of claim 36, wherein:

the selected payment method is one of a first payment method and a second payment method;

the first payment method includes debiting a deposit account associated with the payor via the ACH network; and

the second payment method includes debiting the deposit account associated with the payor via a draft payable to the payee.

50. The method of claim 49, wherein the first payment method further includes issuing the payment to the payee by one of crediting an account associated with the payee with funds from an account associated with a service provider via the ACH network, and preparing a check, payable to the payee, drawn on the account associated with the service provider.

51. The method of claim 50, wherein the first payment method is selected and the check is a consolidated check including payments to the payee on behalf of a plurality of payors.

52. The method of claim 50, wherein the first payment method is selected and the payment is issued prior to debiting the payor deposit account.

53. The method of claim 49, wherein:

if the risk associated with making the payment on behalf of the payer is determined to be a low risk, the first payment method is selected; and

if the risk associated with making the payment on behalf of the payer is determined to be a high risk, the second payment method is selected.

54. The method of claim 36, wherein:

the request includes a payment amount; and

the risk is determined based upon the payment amount.

55. The method of claim 36, wherein:

the payee is one of a plurality of payees; and

the risk is determined based at least in part upon an identity of the payee.

56. A system for making payment, comprising:

a first processor configured to receive a request to pay a payee on behalf of a payor; and

a second processor configured to process the received request to determine a risk associated with making the payment on behalf of the payor, select a payment method based upon the determined risk, and direct issuance of a payment to the payee in accordance with the selected payment method.

57. The system of claim 56, wherein processing the received request to determine the risk includes comparing a payment amount associated with the received request to at least one threshold amount.

58. The system of claim 57, wherein:

the request is received by a service provider;

the at least one threshold amount is one threshold amount associated with one of (i) the payor, (ii) the payee, or (iii) the service provider;

if the payment amount is less than the threshold amount, a first payment method is selected; and

if the payment amount is greater than the threshold amount, a second payment method, different than the first payment method, is selected.

59. The system of claim 58, wherein:

the threshold amount is associated with the payor; and

the second processor is further configured to determine the threshold amount based upon a credit report associated with the payor.

60. The system of claim 58, wherein:

the threshold amount is associated with the payee;

the payee is one of a plurality of payees, each of the plurality of payees being associated with a respective threshold amount; and

the respective threshold amount associated with one of the plurality of payees is different than the respective threshold amount associated with another of the plurality of payees.

61. The system of claim 57, wherein:

the at least one threshold amount is at least two threshold amounts;

if the payment amount is less than each of the at least two threshold amounts, a first payment method is selected; and

if the payment amount is greater than any one of the two threshold amounts, a second payment method, different than the first payment method, is selected.

62. The system of claim 57, wherein:

the request is received by a service provider;

the at least one threshold amount is three threshold amounts, a first of the threshold amounts being associated with the payor, a second of the threshold amounts being associated with the payee, and a third of the threshold amounts being associated with the service provider;

if the payment amount is less than each of the first threshold amount, the second threshold amount, and the third threshold amount, a first payment method is selected; and

if the payment amount is greater than one of the first threshold amount, the second threshold amount, and the third threshold amount, a second payment method, different than the first payment method, is selected.

63. The system of claim 56, wherein the request is received by a service provider.

64. The system of claim 56, wherein:

processing the received request to determine the risk includes determining if a sum of a payment amount associated with the received request and an aggregated amount of payments previously made on behalf of the payor within a predefined time period exceeds a threshold amount;

if the sum of the payment amount and the aggregated amount does not exceed the threshold amount, a first payment method is selected; and

if the sum of the payment amount and the aggregated amount exceeds the threshold amount, a second payment method, different than the first payment method, is selected.

65. The system of claim 64, wherein the payments made within the predefined time period are payments for which an account associated with the payor was debited via the ACH network.

66. The system of claim 64, wherein the second processor is further configured to determine the threshold amount based upon a credit report associated with the payor.

67. The system of claim 56, further comprising:

a memory;

wherein the second processor is further configured to assign a status to the payor prior to receiving the request and store the assigned status in the memory; and

wherein processing the received request to determine the risk includes accessing the stored status associated with the payor.

68. The system of claim 56, wherein processing the received request to determine the risk includes accessing a dynamic credit file associated with the payor.

69. The system of claim 56, wherein:

the selected payment method is one of a first payment method and a second payment method;

the first payment method includes debiting a deposit account associated with the payor via the ACH; and

the second payment method includes debiting the deposit account associated with the payor via a draft payable to the payee.

70. The system of claim 69, wherein the first payment method further includes issuing the payment to the payee by one of crediting an account associated with the payee with funds from an account associated with a service provider via the ACH network, and preparing a check, payable to the

payee, drawn on the account associated with the service provider.

71. The system of claim 70, wherein the first payment method is selected and the check is a consolidated check including payments to the payee on behalf of a plurality of payors.

72. The system of claim 70, wherein the first payment method is selected and the payment is issued prior to debiting the payor deposit account.

73. The system of claim 69, wherein:

if the risk associated with making the payment on behalf of the payer is determined to be a low risk, the first payment method is selected; and

if the risk associated with making the payment on behalf of the payer is determined to be a high risk, the second payment method is selected.

74. The system of claim 56, wherein:

the request includes a payment amount; and

the risk is determined based upon the payment amount.

75. The system of claim 56, wherein:

the payee is one of a plurality of payees; and
the risk is determined based at least in part upon an identity of the payee.

IN THE ABSTRACT

Please delete the abstract in its entirety and substitute therefor the abstract attached hereto on a separate sheet.

REMARKS

This preliminary amendment is directed to the accompanying 37 CFR 1.53(b) application, which is a Rule 53(b) continuation of pending Application Serial Number 09/250,711, filed February 16, 1999, which is a continuation of Serial Number 08/372,620, filed January 13, 1995 (now U.S. Pat. No. 5,873,072), which is a continuation of Serial Number 07/736,071, filed July 25, 1991 (now U.S. Pat. No. 5,383,113).

Claim 1 is pending in this application, claims 2-35 having been cancelled in the submittal of the Rule 53(b) continuation application. Claim 1 is cancelled by this preliminary amendment.

Claims 36-75 are added herein.

The title is amended to more fully describe the invention.

A new abstract has been submitted which better describes the invention to which the application relates.

No new matter is added by this preliminary amendment.

New claims 36-75 are directed to an innovative risk based payment technique disclosed in the written description of the application as originally filed.

The innovative technique, as recited in independent claims 36 and 56, includes determining a risk associated with making payment on behalf of a payor and selecting a payment method based upon the determined risk, as disclosed, for example, at page 9, lines 2-4 and 12-14, of the application.

In one aspect of the present invention, the risk based payment technique includes, as required by dependent claims 37-42, 44-46, 57-62, and 64-66, comparing the payment amount to one or more thresholds to determine risk, as

generally disclosed, for example, at page 12, lines 6-18, and page 14, line 5, though page 16, line 4. A threshold can be associated with the payor (as disclosed, for example, at page 12, lines 13-14, and page 15, lines 4-8), the payee (as disclosed, for example, at page 12, lines 6-12, and page 14, lines 14-19), a service provider (as disclosed, for example, at page 14, lines 8-9), or a total amount of payments previously made on behalf of the payor (as disclosed, for example, at page 12, lines 16-17, and page 15, line 9, through page 16, line 4).

Furthermore, a threshold associated with the payor may be determined based upon a payor's credit report, as disclosed, for example, at page 6, lines 11-14. Also, a threshold associated with one payee may be different than a threshold associated with another payee, as disclosed, for example, at page 14, lines 16-17. A payee threshold may be set based upon any number of factors, including, but not necessarily limited to, an ability to reverse a payment to the payee, past experience with the payee, and business arrangements with the payee.

In another aspect of the present invention, the risk based payment technique includes determining the risk based upon an assigned status of the payor, as described, for example, at page 11, lines 2-5.

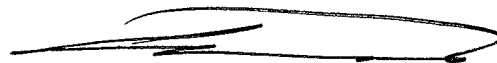
In yet another aspect of the present invention, the risk based payment technique includes accessing a dynamic credit file associated with the payor to determine risk, as described, for example, at page 3, line 20.

Also in accordance with one aspect of the present invention, payment is issued to the payee prior to a debiting of a payment account associated with the payor, as disclosed, for example, at page 12, line 5.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 12-0429 and please credit any excess fees to such deposit account.

Respectfully submitted,
LALOS & KEEGAN



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ABSTRACT

A method for making a payment. A request to pay a payee on behalf of a payor is received. The request is then processed to determine a risk associated with making the payment on behalf of the payor. A payment method is selected based upon the determined risk. Then, a payment is directed to the payee. The payment is based upon the determined risk.

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